

**YADKIN COUNTY BOARD OF COMMISSIONERS**  
**REGULAR SESSION MINUTES**  
**Monday, May 16, 2011**

The Yadkin County Board of Commissioners met in Regular Session on Monday, May 16, 2011, in the Yadkin County Human Services Building (Commissioners' Meeting Room), 217 East Willow Street, Yadkinville, NC.

**Present were:**

Chairman Kevin Austin  
Vice Chairman Frank Zachary  
Commissioner Gilbert Hemric  
Commissioner David Moxley  
Commissioner Marion Welborn

**Staff present:** Interim County Attorney, Bobby Sullivan; County Manager, Aaron Church; Assistant County Manager/Finance Officer, Lisa Hughes; and Deputy Clerk to the Board, Tanya Gentry.

**INVOCATION** led by County Manager Aaron Church.

**CALL TO ORDER** by Chairman Austin at 7:03pm.

**PLEDGE OF ALLEGIANCE** led by Fall Creek Elementary Kindergarten Students and Ms. Sharon Adams.

**ADJUSTMENTS TO/ADOPTION OF THE AGENDA**

County Manager Church requested that Lottery Draw Down and Contract with Todd Brothers be added to the Agenda under Board Action. **Commissioner Welborn made a motion to add Lottery Draw Down as Agenda Item 8 under Board Action. Vice Chairman Zachary second. Vote: 5/0. Commissioner Hemric made a motion to add Contract with Todd Brothers as Agenda Item 9 under Board Action. Commissioner Moxley second. Vote: 5/0.** The On-Call Policy needs to be removed from Item number 5 in the Consent Agenda. Vice Chairman Zachary asked that Item 5, Establish Standards for Part-Time Employees, under Board Action be discussed in Closed Session. **Vice Chairman Zachary made a motion to accept the agenda with the stated adjustments. Commissioner Moxley second. Vote: 5/0.**

**PUBLIC COMMENTS**

- 1) Billy Waddel, 3528 Rock House Mtn Road, Boonville, addressed the Board. He and his neighbors are experiencing water problems on the County water line that runs from HWY 21 to Starmount School. The water goes off and when it comes back on it busts a water line or a water heater. This problem has been going on for two years. He called Raleigh today to try and find out what can be done to correct this issue. He received a call back from Raleigh and expects to hear from them again tomorrow. County Manager Church stated the County is currently waiting on the State to approve the plan's that will fix the problem with the water line. The citizens making calls to Raleigh could help speed up the approval of those plans.

Chairman Austin closed the Public Comments portion at 7:19pm.

### **APPROVAL OF MINUTES**

Chairman Austin had corrections to pages 5 and 6. In Chairman Austin's Comments, on page 5 "Friedman" needs to be changed to "Freeman". On page 6, it should read "from 0.75 to 0.725". The Recess should be moved to after the motion was made to go into closed session.

**Commissioner Moxley made a motion to approve the minutes with the noted changes.**

**Commissioner Hemric second.**

**Vote: 5/0.**

### **REPORTS/REQUESTS OF THE BOARD**

- 1) Recognize Forbush Cheerleaders. Chairman Austin read the Resolution honoring the Forbush Cheerleaders and asked that pictures be taken of the Cheerleaders with the Commissioners. **Vice Chairman Zachary made a motion to adopt the Resolution Honoring the Forbush Falcon Cheerleading Squad. Commissioner Welborn second.**  
**Vote: 5/0.**
- 2) Nursing Home-Adult Care Home Community Advisory Committee Report. Tanesha Moore, a Regional Long-Term Care Ombudsman, addressed the Board. The Ombudsman program is federally mandated by the Older Americans Act. The Ombudsman acts on behalf of residents who live in nursing homes and assisted living homes to resolve problems they experience there. Citizens who serve on the Nursing Home-Adult Care Home Community Advisory Committee assist the Ombudsman in their duties. The Yadkin County Community Advisory Committee should have seven (7) members. The Committee has grown from one (1) member in 2009 to five (5) members in 2011. Tanesha Moore commended the Board for the rise in membership and stated the Board has been a great help to them. They still need two (2) more members to complete the Committee. The Committee member's assistance is important to the Ombudsman and the residents.
- 3) Ware Bonsall Monthly Report. Mr. Ware addressed the Board to give them a briefing on the jail study before the Final Report will be prepared and given to the Board. The existing jail was evaluated. It is a reinforced concrete structure that is approximately 5500 square feet and has a rated capacity of 29 beds. It is fairly solid, structurally. There are some cracks that should be repaired but other than that it was determined to be in relatively good condition for its age. The interior of the building is well maintained and is in good condition. The recent improvements that have been made to it will extend its useful life. It is estimated that it will be 5 to 10 years before the building will need more serious renovations. Making significant renovations to the building could cause issues that would trigger requirements to bring the entire building up to the current codes and jail standards. Trying to bring the existing jail up to those current codes and standards would be very difficult. The existing jail does still meet the codes and standards from when it was built. It can be used as it is until significant renovations become necessary. The best non-jail use of the building would be for storage.

The sites selected to be evaluated were inspected. A team was sent out to each of the 5 sites. The site that is the best choice is Site 1, the property adjacent to the existing jail. It is already zoned for jail use and is close to the Courthouse and the Sheriff's Office. Utilities are available. It is owned by the County. The existing jail could continue being used if desired. Site 2 came in as the second choice.

Two development options were looked at. Option 1 is to build a whole new jail facility that would be approximately 32,000 square feet and have 96 beds. Option 1 would have an estimated project cost of \$7.5 million. Option 2 is to build an addition on to the existing jail that would be approximately 25,500 square feet and give us an additional 72 beds. The existing jail could be

used for special inmate housing needs, laundry, storage, and food service. Option 2 would have an estimated project cost of \$6 million.

Staffing needs were assessed and it looks like approximately 15 staff members will be needed. The staff operating costs is estimated to be between \$500,000.00 and \$750,000.00.

The total annual operating costs, including an average staffing cost, for Option 1 is approximately \$827,000.00 and for Option 2 is approximately \$847,000.00.

Ware Bonsall recommends development Option 2, adding on to the existing jail. The construction would take place on Site 1. Yadkin County's Pre-trial Release Program should be maintained. At this time, it is not cost effective to build and operate a full service kitchen so the County should continue to contract food service.

The final report will be completed and presented at the June 6, 2011.

### **CONSENT AGENDA**

The On-Call Policy was removed from Consent Agenda Item 5 in the Adjustments to the Agenda section.

**Commissioner Welborn made a motion to approve the consent agenda with noted change.**

**Commissioner Hemric second.**

**Vote: 5.0.**

- 1) Reappoint Trent Cockerham to the Workforce Development Board.
- 2) Budget Amendments for DSS Children Service Programs, Part-Time Salaries, and Medicaid.
- 3) Budget Amendment for Jail Professional Services.
- 4) Change Lieutenant's Position to Captain's Position in Sheriff's Office.
- 5) Approve Policies for Internal Control, Over/Under, Write-Offs, Travel & Grant Management.
- 6) Deem Ambulance VIN number 1FDWE30F2XHB97441 and Chassis VIN number 1FDXE45P56HB19682 as Surplus.
- 7) Accept Proposal from Wireless Communications for the VoIP E911 System.
- 8) Award 2010 NC CDBG-ER Grant Administrative Service Contract to Benchmark CMR, Inc.

### **PUBLIC HEARING/ACTION TO SET PUBLIC HEARING**

- 1) Public Hearing to Name the Bridge over the Yadkin River the "Sergeant Mickey Gray Hutchens Memorial Bridge". This Public Hearing was set to allow the public a chance to give their input on naming the Bridge located on US 421. Chairman Austin opened the Public Hearing.
  - a. Donna Myers stated that she knew Mickey Hutchens. She grew up with him, went to school with him, and attended church with him. His daughters spent a lot of time at her house and her son spent a lot of time at the Hutchens home. Mickey Hutchens was a very passionate, courageous person who offered advice and wisdom to those in need. He was a great Police Officer. Upon his death, there was an outpouring of support and love from the Forbush community, Yadkin County, and Forsyth County. She believes it would be a great honor to have the bridge named after Sergeant Mickey Hutchens.
  - b. Sheriff Oliver spoke on behalf of Sergeant Mickey Hutchens. He has known Mickey Hutchens and his family for many years. Sheriff Oliver stated it was a privilege to know him. He was very active in his Church and was a Deacon there. He was an all-around good man. He worked in Law Enforcement for many years. He was very dedicated to his job and his family. He exemplified professionalism in everything he did. He was thought highly of by those who knew him. Sheriff Oliver pointed out that Sergeant Hutchens' daughters, wife, and two sisters are present tonight. The Hutchens family has lived in Yadkin County for many years. It would be a great honor to Sergeant Hutchens

and his family to have the bridge that he drove back and forth over for all those years named after him.

No other speakers came forward and Chairman Austin closed the Public Hearing at 8:07pm. Chairman Austin stated naming the bridge after Sergeant Hutchens makes sense to him. Yadkin County is where Sergeant Hutchens grew up and where he resided when he died. Forsyth County is where he worked and where he lost his life in the line of duty. He deserves this honor and the Board will move forward with the Resolution at the next Board meeting. Commissioner Moxley knew both of Sergeant Hutchens' daughters from Forbush High School. Commissioner Moxley stated it would be an honor to see the Resolution passed.

- 2) Public Hearing to hear a Zoning Map Amendment Request for Parcel ID Number 5867 (00) 53-8113. Christopher Ong addressed the Board. James Myers has requested this 4.55 acre parcel, located off of Old US 421 in Forbush Township, be rezoned from Rural Agricultural (RA) to Highway Business (HB). The Planning Board voted unanimously to approve the rezoning. Chairman Austin opened the Public Hearing and no one came forward to speak. Chairman Austin closed the Public Hearing at 8:15pm. Chairman Austin read the Statement of Zoning Consistency. **Commissioner Moxley made a motion to adopt the zoning Statement of Consistency and approve zoning map amendment of Parcel Identification Number 5867 (00) 53-8113 from RA to HB. Vice Chairman Zachary second.**

**Vote: 5/0.**

- 3) Public Hearing to hear a Zoning Map Amendment Request for Parcel ID Number 5960 (00) 93-7530 and a Portion of 5960 (00) 03-1593. Christopher Ong addressed the Board. Vernon Poindexter has requested all of parcel 5960 (00) 93-7530 and the western portion of parcel 5960 (00) 03-1593 be rezoned from Manufactured Home Park (MHP) to Rural Agriculture (RA). These 7.27 acres are located off of Macedonia Road in East Bend Township. The Planning Board voted unanimously to approve the rezoning. Chairman Austin opened the Public Hearing and no one came forward to speak. Chairman Austin closed the Public Hearing at 8:25pm. Chairman Austin read the Statement of Zoning Consistency. The consensus of the Board of Commissioners was the Statement of Zoning Consistency should be as specific as possible in regards to what the western portion of parcel 5960 (00) 03-1593 is; simply stating the western portion is not sufficient. **Vice Chairman Zachary made a motion to adopt the zoning Statement of Consistency, with the necessary corrections, and approve zoning map amendment for 7.27 acres being all of Parcel Identification Number 5960 (00) 93-7530 and the western portion of PIN# 5960 (00) 03-1593 as described on "Plat of Proposed Zoning Map Amendment for Vernon C. Poindexter," as set forth by the survey of Mark Hollar shown on page 112 of the Agenda packet, from the MHP District to the RA District. Commissioner Welborn second.**

**Vote: 5/0.**

**See Attachment A - the revised Statement of Consistency.**

- 4) Set a Public Hearing on June 20, 2011 at 7:00pm for a Zoning Map Amendment Request for Parcel 5846 (09) 9771 from RA to HB. Christopher Ong requested that a Public Hearing be set to hear a zoning map amendment request for a 5.07 acre lot located at the intersection of Old US 421 and Falcon Road. **Commissioner Welborn made a motion to set a Public Hearing for June 20, 2011 at 7pm to hear a zoning map amendment request for Parcel Identification Number 5846 (09) 9771 from the Rural Agriculture (RA) District to the Highway Business (HB) District. Commissioner Hemric second.**

**Vote: 5/0.**

#### **BOARD ACTION**

- 1) Appoint Two Commissioners to Interview Firms who Submitted Parks & Recreation Proposals. There were three firms who submitted proposals. It was suggested that an interview committee consisting of two Commissioners, the County Manager, and Christopher Ong be formed to

interview the firms. The Board discussed it and the consensus was to invite the firms to the June 6, 2011 Board meeting and allow each firm to make a 10 minute presentation.

- 2) Resolution to Support the Merger of Crossroads Behavioral Healthcare with Mental Health Partners and Pathways. The NC Department of Health and Human Services has set a minimum total population that is required to operate a Prepaid Inpatient Health Plan and to provide Local Management Entity services. The minimum population required is 300,000 by July 12, 2012 and 500,000 by July 2013. Crossroads Behavioral Healthcare does not, and will not, meet these requirements. To meet the population requirements Crossroads LME (serving Iredell, Surry, & Yadkin counties), Mental Health Partners (serving Burke & Catawba counties), and Pathways (serving Cleveland, Gaston & Lincoln counties) would like to merge. The Board was asked to support this merger. **Vice Chairman Zachary made a motion to adopt the resolution to Support the Merger of Crossroads Behavioral Healthcare with Mental Health Partners and Pathways. Commissioner Hemric second.**

**Vote: 5/0.**

- 3) Authorize Staff to Transition to Self-Insured Health Insurance Plan. The County is fully-insured and pays approximately \$1.4 million a year to Blue Cross Blue Shield for health insurance premiums. Blue Cross Blue Shield profits by keeping any premium money that is not spent on paying claims. The plan has been performing well over the last few years, allowing the County to consider transitioning to a self-insured plan. The benefit of being self-insured is that the approximately \$1.4 million that is being spent on insurance premiums will stay in the County's fund until, and if, it is needed to pay claims. The self-insured plan will require the County to establish an Internal Service Fund to manage the health insurance plan. Transfers will be made from the General Fund to the Internal Service Fund to pay claims, administration fees and stop-loss coverage. **Commissioner Welborn made a motion to authorize staff to transition the County to a self-insured health insurance plan and to establish an Internal Service Fund to manage the plan. Commissioner Hemric second.**

**Vote: 5/0.**

- 4) Review DSS Emergency Response System Program Policy. The Department of Social Services Board has approved a Policy that includes a section regarding On-Call compensation. Their On-Call compensation section gives DSS employees comp time hours for being on-call. This section conflicts with the approved Yadkin County Personnel Policy On-Call section, which would not give DSS employees comp time hours. It is important that DSS employees respond as quickly as possible if they are called so they have to stay close to Yadkin County. They are doing a good job of managing the comp hours earned. They use them quickly and the hours are not allowed to accumulate. The Board of Commissioners will need to either ratify the Department of Social Services Board approved Policy or ask the Department of Social Services Board to remove the On-Call section from its Policy. **Vice Chairman Zachary made a motion to ratify the Department of Social Services Board approved Policy, including the section regarding On-Call compensation. Commissioner Hemric second.**

**Vote: 5/0.**

- 5) Approve Proposed Yadkin County Performance Pay Plan. The grid the County has been using is flawed and is not being applied equitably. The goal of the Performance Pay Plan is to empower and motivate employees to perform to the best of their abilities and earn the resulting pay increase. If the Performance Pay Plan is approved, every year each employee will receive a performance evaluation in September. If an employee receives a score of "meet expectations" it will be accepted without question but if an employee is scored above or below that, documentation has to be provided to support that decision. In November, the County Manager will review the employee evaluations and complete performance evaluations on the department heads. All evaluations will be completed in December and pay increases will be awarded in January. **Commissioner Welborn made a motion to approve the Yadkin County**

**Performance Pay Plan and Appendices as presented, to be effective July 1, 2011.**  
**Commissioner Hemric second.**  
**Vote: 5/0.**

### **RECESS**

10:17pm to 10:33pm

### **BOARD ACTION**

- 6) Approve RFP for Legal Services and Approve Announcement of this Proposal. Phyllis Adams requested the Board approve a Request for Proposals for "mortgage style" tax foreclosure legal services and allow the RFP to be sent out. Currently, the Tax Office does not have an attorney to perform this service. There are approximately 100 delinquent accounts that can be turned over to the chosen provider for foreclosure. A threshold (for example, a \$1,000.00) would need to be set. Only delinquent accounts that owe the threshold amount, or more, would be foreclosed on. **Vice Chairman Zachary made a motion to approve the Request for Proposals for Legal Services and to approve to announce this Proposal. Commissioner Welborn second.**  
**Vote: 5/0.**
- 7) Lottery Draw Down. County Manager Church requested the release of \$750,000.00 from the Public School Building Capital Fund (Lottery Distribution) to be used for debt payment of two middle schools. **Vice Chairman Zachary made a motion to authorize the Chairman to sign the Lottery Drawdown of \$750,000.00 Commissioner Moxley second.**  
**Vote: 5/0.**
- 8) Contract with Todd Brothers. The County has two backflow devices that are required to be tested and rebuilt. A third backflow device is required to be tested only. Todd Brothers Plumbing can perform this service for Yadkin County. **Commissioner Welborn made a motion to authorize the County Manager to enter into a contract with Todd Brothers Plumbing, per the County Attorney's approval. Commissioner Hemric second.**  
**Vote: 5/0.**

### **CALENDAR NOTES**

- 1) May 21, 2011 – Open House at the Yadkin County Animal Shelter from 9:00am to 12:00pm.
- 2) May 25, 2011 – County Assembly Day in Raleigh, NC. Chairman Austin, Vice Chairman Zachary, and Commissioner Moxley will be attending but no County business will be conducted.

### **MANAGER'S REPORTS/BOARD ACTION**

- 1) Storm Event Update. On the night of May 14, 2011, a large power outage occurred in Yadkin County. The Communications center was running on backup generators. During the outage, all 911 lines were operational but the regular phone lines for the County were down. There was no internet or email service due to the network being down. There was no TV service. Keith Vestal had EMS checking on the Hospital and nursing homes. He had Dale Trivette and Eddie Weatherman monitoring the weather broadcasts from their homes and reporting back. Dale Ring, from the IT Department, was on site at Communications assisting them. Sheriff Oliver also worked that night.
- 2) Title Policy for 5D Refinancing. The County is required, by BB&T, to obtain a title insurance policy to cover their lien. The same title insurance company that Yadkin County used for RBC's lien can be used for BB&T. The title company is required to have an attorney do a title search. The premium for the Title Policy will be approximately \$ 3,500.00. The LGC has approved the refinancing.
- 3) Road Preliminary Engineering Report. County Manager Church was supposed to meet with WK Dickson at the 5D site tomorrow at 9:00am but it was postponed due to the weather.

- 4) Budget Update. The proposed Budget is complete except for some small things. The goal is to have the Budget packet completed by Friday.

**Commissioner Hemric made a motion to extend the meeting. Commissioner Moxley second.**  
**Vote: 5/0.**

- 5) Water Update. The bids for the Jonesville water plant have come in and they are higher than expected. Boonville is in need of water. East Bend is operating on a well system that is experiencing issues. East Bend is in negotiations with King. County Manager Church and Jim Haynes are checking into becoming a consumer of Winston-Salem's water. County Manager Church suggested it could be beneficial for the Board to have a work session on the subject. The Board expressed an interest in having a work session in July.

#### **MANAGER'S BUDGET AMENDMENTS / NO ACTION REQUIRED**

- 1) None.

#### **COMMISSIONER COMMENTS**

**Commissioner Moxley** had no comment.

**Commissioner Hemric** thanked everyone for coming.

**Commissioner Welborn** had no comment.

**Vice Chairman Zachary** appreciated everyone coming. At the beginning of the meeting there was a large, festive crowd. He stated it was nice to have the youth from Fall Creek School here. He was proud of the accomplishments of the Forbush Cheerleaders.

**Chairman Austin** stated the storm event of Saturday night brought to mind the tornado warnings we had a couple of weeks back and the questions raised then. It is important to know that Yadkin County is prepared for an emergency. Ron Lewis and County Manager Aaron Church conducted a disaster simulation. The knowledge gained from that simulation is paying off now. The response on Saturday night was very good. He thanked County Manager Church for keeping him updated on what was occurring. He especially wanted to thank Sheriff Oliver, Dale Ring, and Keith Vestal for the fantastic job they did. It was above and beyond what Yadkin County is used to seeing in that circumstance. He also thanked Dale Trivette and Eddie Weatherman for their assistance. Sheriff Oliver, Dale Ring, and Keith Vestal were operating with no internet, TV, or land line phones so the assistance of Dale Trivette and Eddie Weatherman in monitoring the radar and keeping the others informed was valuable. It was a good team effort. This preparedness started with Ron Lewis' assistance; he is still doing good things for Yadkin County.

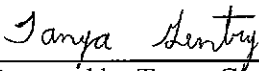
**Interim County Attorney Sullivan** had no comment.

**Chairman Austin made a motion to go into Closed Session pursuant to (1)(3)(4)(5)(6) NCGS 143-318.11(a) in order to discuss Location of Expansion of Industries or other Businesses in the County, to Establish or Instruct the County Staff on the County's Position Regarding Real Estate Transactions and/or Employment Contracts, to Consider Personnel Matters and to Protect Personnel Information that is Confidential under NCGS 153A-98 and to have a Privileged Consultation with the County Attorney including to discuss two lawsuits: NC Baptist Hospital vs. Hoots Memorial Hospital and Yadkin County vs. Yadkin County Board of Adjustment, James Arnold, Eddie Dean Arnold, and William Turner Arnold. Commissioner Hemric second.**  
**Vote: 5/0.**

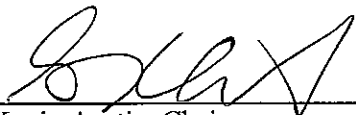
After a motion to come out of Closed Session was made, **Commissioner Hemric made a motion to define regular full-time employees as those who work a minimum of 2080 hours per year; to define regular part-time employees as those who work a minimum of 1000 hours per year (average 20 hours per week); to define reserve/temporary employees as those who work less than 1000 hours per year (averages less than 20 hours per week); to establish benefits on a prorated basis for regular part-time employees including contribution to the Local Government Retirement System, vacation accrual, sick accrual, holiday pay accrual (if applicable), and longevity; and to direct staff to make appropriate changes in the Personnel Policy. Commissioner Moxley second.**  
**Vote: 5/0.**

**The Board directed County Manager Church to negotiate with Janice Post regarding the price of her property that adjoins the County's 5-D property. The Offer to Purchase has to be brought back to the Board for approval.**

**Commissioner Moxley made a motion to adjourn. Commissioner Hemric second.**  
**Vote: 5/0.**

  
\_\_\_\_\_  
Prepared by Tanya Gentry  
Deputy Clerk to the Board

6 / 6 / 2011 Approved  
10 / 3 / 2011 Amended  
\_\_\_\_\_  
Date approved by the  
Yadkin County Board of Commissioners

  
\_\_\_\_\_  
Kevin Austin, Chairman  
Yadkin County Board of  
Commissioners